

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27663 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- KHAGARIA District- Khagaria

1. MD. IRSHAD @ MD. IRSHAD ALAM S/O MD. RAHMAT @ MD. RAHMAT ALI R/O VILLAGE-JALKOURA, POLICE STATION-KHAGARIA (GANGOUR), DISTRICT-KHAGARIA.
2. MD. RAHMAT @ MD. RAHMAT ALI S/O LATE NABI AHMAD R/O VILLAGE-JALKOURA, POLICE STATION-KHAGARIA (GANGOUR), DISTRICT-KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nasim Yahya, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-05-2022 Heard Mr. Nasim Yahya, learned Advocate for the
petitioners and the learned APP for the State.

Mr. Nasim Yahya seeks permission to withdraw the
application with respect to petitioner no. 2/Md. Rahmat @ Md.
Rahmat Ali.

The application with respect to petitioner no. 2 is
dismissed as having become infructuous.

The petitioner no. 1/Md. Irshad @ Md. Irshad alam
seeks bail in anticipation of his arrest in connection with
Khagaria (Gangour) P.S. Case No. 265 of 2020 dated
02.04.2020 instituted for the offences under Sections 147, 148,



149, 323, 506, 504, 379 and 307 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

It has been submitted that 18 persons have been made accused in this case.

On the orders of one Jiyaar Rahman, Khalikur Rahman is said to have assaulted the informant on his head which caused grievous injuries to him. When the brother of the informant, viz. Md. Minna came to his rescue, he too was assaulted by the petitioner by means of an iron rod.

The learned Advocate for the petitioner has submitted that apart from the petitioner being named in the FIR, no specific accusation has been levelled against him.

Apart from this, it has been submitted that Khalikur Rahman has also filed a case against the informant and others *vide* Khagaria (Gangaur) P.S. Case No. 266 of 2020.

An occurrence took place at the time of construction over a plot of land in which many persons have been made accused in this case.

The petitioner as well as the informant are neighbours and only because an occurrence took place, all the persons who were from either of the side have been made accused in respective cases.



The petitioner no. 1 does not have criminal antecedents.

Some of the other accused persons of this case have been granted anticipatory bail by this Court *vide* orders dated 07.04.2021 and 22.02.2022 passed in Cr. Misc. No. 36095 of 2020 and in Cr. Misc. No. 11764 of 2021 respectively.

Regard being had to the afore-stated facts, the petitioner no. 1/Md. Irshad @ Md. Irshad alam is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangour) P.S. Case No. 265 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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